



Colorado Springs Police Department

Standard Operating Procedure

DL-1050-02 Misdemeanor Child Abuse

Section 1000 – Patrol Functions

Effective Date: 3/26/2022

Supersedes Date: 1/3/2009

.01 Purpose

The purpose of this directive is to define those misdemeanor cases where a patrol officer should take direct criminal enforcement action and charge a person with criminal child abuse.

.02 Cross Reference

[GO 150 Offense Reports](#)

[GO 860 Interviews and Interrogations](#)

[GO 1050 Juveniles - General Applicability](#)

[DL-1050-01 Juvenile Victims](#)

.03 Definitions

Circumferential injuries: Injuries that wrap around a victim's body area.

Misdemeanor Child Abuse: Those cases where a child (under the age of 16 years) is demonstrably and foreseeably physically endangered through the actions or the neglect or inaction of a person, which may include a parent or caretaker.

Examples include but are not limited to the following:

- Preschool children left unattended for a period of more than one hour.
- A child who has suffered an injury directly as the result of a lack of adult supervision.
- A parent renders themselves so intoxicated on alcohol or drugs as to leave children without adult supervision for a prolonged period of time.
- An injury is inflicted by a parent or caretaker who is knowingly or recklessly engaging in abusive behavior and, as a result of this behavior, the child suffers an injury (*Note:* this

does not mean that the suspect intended to cause the specific injury, only that the suspect knowingly or recklessly engaged in some behavior which common sense says would be defined by an average person as abusive, and this conduct resulted in an injury to the child).

Examples illustrating this concept:

- A parent spansks a child excessively hard, causing multiple bruising to the buttocks and small of the back.
- A child is crying, and a parent strikes the child in the face, causing a distinct pattern of bruising to the face, which resembles a hand.
- An adult throws an item across a room and strikes the child in the face causing a black eye or other substantial bruise.
- An adult fails in an attempt to strike another person, resulting in a child being struck.

.04 Procedure

The District Attorney's Office maintains a Child Abuse Diversion Program with the aim of stopping the escalating pattern of child abuse before children suffer serious injury. This program uses the potential of criminal sanctions to compel abusive parents to complete treatment programs. In order for this program to function, defendants must first be cited in County Court for Misdemeanor Child Abuse under the provisions of C.R.S. § 18-6-401. Accordingly, it is necessary for CSPD patrol officers to take appropriate enforcement actions on cases that they handle for the cases to enter this program.

Police personnel will take the appropriate steps to ensure the child's immediate safety needs are met.

Determining whether an injury is accidental or abusive

As all parents know, active children often suffer mysterious minor accidental injuries that are never fully explained. It is important therefore that officers never assume that a given set of bruises are the product of child abuse without first making an appropriate inquiry.

Extent of Injury

The first step in determining if an injury is inflicted is to determine the exact nature of the injury. It should be described in detail as to location, shape, and color. All injuries and the lack of injuries should be documented, not just those significant injuries. Even the smallest injuries are important when trying to determine exactly what happened to the child. Officers should not take the word of

another individual as to the nature of injuries; rather they must personally view, photograph, and describe them in the report.

However, officers should use discretion and common sense when deciding to examine the genitals of any child or the breast of a female child. The age, gender of the child, and gender of the officer should be considered. If questions of appropriateness and modesty become an issue, and the examination is necessary, an officer of the same sex as the child may be called to the scene to examine the child.

Photographs Required

Digital photographs will be taken of all injuries discovered and uploaded into the department's approved database. The photographs will include at least one full-face photo of the child for identification.

History of the Injury

The next step is to obtain a statement as to the history of the injury(ies). Establishing exactly who had custody of the child at the time the injury was received is critically important. It is also important to remember to interview all victims who can talk and obtain their version of what happened. This should always be done out of hearing distance from others, including the reporting party, the parent (s), or the caretaker; keeping in mind that abused children are likely to be intimidated by their abusers. They may also have been conditioned to believe that they "deserve" the abuse they have received.

Comparison of History and Physical Evidence

The next step in the process is to compare the alleged way in which the injury was received to what common sense says is the mechanism by which the injuries occurred. A rule of thumb is that there is one injury for each event, and injuries on multiple surfaces of the body indicate multiple actions. Thus, when a child has suffered bruises to both sides of the face, and the parent says the child fell down against the side of the coffee table, then the explanation obviously doesn't fit the injuries, and it can be assumed that the parent/caretaker is not being truthful.

Some injuries are characteristic of the "bumps and bruises" an active child will receive during innocent play. They include bruises in areas where a bone is close to the surface (e.g., shins, elbows, chins, knees, etc.). Likewise, there are some areas where visible accidental injuries are unusual (e.g., abdomen, thighs, buttocks, etc.).

Officers should be particularly alert for signs of circumferential injuries, as these are inconsistent with hard contact with a solid object, and rather, are indicative of being struck with a flexible object such as a belt or cord.

The shape of the injury can also provide information as to what might have inflicted it.

Hearsay Statements

Unlike other types of cases, the hearsay statements made by the child victim as to how the injuries were received may be admissible into evidence. It is therefore important not to ask leading questions when interviewing the child, and to record exact quotes of the child. A good example of how to start an interview would be as follows:

"My name is Officer Jones. I am looking into how you were hurt. It is important for me to find out so that I can try to make sure that it doesn't happen again. Will you tell me about how you got the bruises on your face?"

Charging Parents/Caretakers:

When an officer develops probable cause to charge a suspect with misdemeanor child abuse, enforcement action should be taken. Officers should keep in mind that the ultimate purpose of this action is to further the protection of the child. Accordingly, suspects will only be jailed and required to post a bond in cases in which it is absolutely necessary to ensure the protection of a child.

Examples of cases involving physical injuries in which an officer should charge the suspect include the following:

- The parent admits to injuring the child through an act of abuse.
- Physical evidence clearly shows that the child was the victim of physical abuse, and the child was in the exclusive custody of one person when the child was injured.
- It is determined that the parent/caretaker has told a false story about how the injuries have been received, and it can be shown that the parent/caretaker had exclusive custody of the child during the time frame when the injury was received.
- A verbal child clearly identifies the parent/caretaker as the person who inflicted the injury, and no other independent evidence disputes this statement.
- An eyewitness identifies the person who injured the child.

Report Required

Regardless of the decision to charge a person with child abuse, personnel will complete a report detailing their investigative steps for any known or suspect acts of child abuse.